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17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19
20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting
25 Championship and UFC,

26 Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**ZUFFA, LLC'S MOTION FOR
EXTENSION OF TIME TO FILE
ITS REPLY IN SUPPORT OF ITS
MOTION FOR PARTIAL
SUMMARY JUDGMENT AS TO
PLAINTIFF NATHAN QUARRY
ON STATUTE OF LIMITATIONS
GROUNDS (ECF NO. 347) (Second
Request)**

1 Zuffa, LLC (“Zuffa”) moves for a one-week extension of time to file its reply in support
2 of its Motion for Partial Summary Judgment as to Plaintiff Nathan Quarry on Statute of
3 Limitations Grounds (ECF No. 347) (“SJ Motion”). Zuffa’s reply is currently due on Monday,
4 April 24, 2017. Zuffa requests a one-week extension such that its reply would be due on
5 Monday, May 1, 2017. This is the second request for an extension of the deadline to brief Zuffa’s
6 motion for partial summary judgment. Zuffa filed its motion for partial summary judgment on
7 February 1, 2017. The Court previously granted a stipulated extension, which extended the date
8 for Plaintiffs to file their opposition to March 24, 2017 and set the date for Zuffa’s reply as April
9 24, 2017. ECF No. 354. In the stipulation, the parties “agreed that due to multiple depositions
10 being scheduled during the upcoming several weeks” prior to the original due date of Plaintiffs’
11 opposition, an extension of the deadlines was appropriate. *Id.* at 1. On April 22, 2017, counsel for
12 Zuffa sent an email to Plaintiffs’ counsel inquiring whether they would oppose this motion.
13 Plaintiffs have yet to respond to this request from Zuffa’s counsel. For the reasons below, Zuffa
14 can show that just cause exists as a result of extraordinary circumstances and that the Court
15 should therefore grant a short, one-week extension of the reply deadline.

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18 The extraordinary nature of the burden placed on Zuffa to prepare for, take, and defend
19 the enormous number of depositions Plaintiffs noticed for the final three weeks in April, as well
20 as separately brief Plaintiffs’ emergency motion in an attempt to reschedule two apex depositions
21 of Zuffa witnesses originally scheduled for April 24 and April 28, provides just cause to extend
22 the reply deadline. Over the past month, Zuffa has had to prepare for numerous depositions
23 Plaintiffs have noticed and repeatedly rescheduled. Since March 23, 2017, Plaintiffs have noticed
24 16 depositions, and noticed six depositions for April 28 alone. Declaration of Stacey K. Grigsby
25 in Support of Zuffa, LLC’s Motion for Extension of Time to File Its Reply in Support of Its
26 Motion for Partial Summary Judgment As to Plaintiff Nathan Quarry on Statute of Limitations
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1 Grounds (“Grigsby Decl.”) ¶ 9. Since early April, counsel for Zuffa has been fully engaged with
2 preparing Zuffa deponents, defending Zuffa witnesses, and taking or preparing to take third-party
3 depositions as listed below. *Id.* ¶¶ 5, 11. At one point, Plaintiffs had noticed over 10 depositions
4 for the week of April 24, including three separate 30(b)(6) depositions of Moody’s Investors
5 Service, Inc., Deutsche Bank Securities, Inc., and WME, the company that was part of a group of
6 investors that acquired Zuffa in 2016. As detailed in Zuffa’s Opposition to Plaintiffs’
7 Emergency Motion to Reschedule Depositions, Plaintiffs have noticed depositions and failed to
8 follow up with witnesses to confirm scheduling or availability. As a result, counsel for Zuffa has
9 contacted counsel for third parties only to learn that a deposition would not take place. ECF No.
10 380 at 1-3. Notably, Plaintiffs waited until the last minute to notice many depositions, despite
11 knowing for over six months that the deadline for fact discovery is May 1, 2017. *Id.* ¶ 3.

12
13 Finally, on Friday, April 21, Plaintiffs filed an emergency motion to reschedule the
14 depositions of former Zuffa Executive Vice-President and Chief Legal Officer Kirk Hendrick and
15 Zuffa Chief Operating Officer Ike Lawrence Epstein. While Plaintiffs are attempting to
16 reschedule the depositions of Mr. Hendrick and Mr. Epstein, Zuffa had been, prior to Friday,
17 April 21, proceeding as if those apex depositions were taking place as scheduled and has been
18 working diligently to prepare those witnesses. *Id.* ¶ 5. Plaintiffs’ counsel notified Zuffa at 10:26
19 p.m. Eastern time on Friday, April 21 that Plaintiffs would not take the depositions of Mr.
20 Hendrick and Mr. Epstein as scheduled. *Id.* ¶ 9. Nevertheless, before receiving confirmation that
21 those depositions would not proceed, Zuffa has expended time and effort preparing for these
22 depositions. Due to the emergent nature of Plaintiffs’ request and because Zuffa’s witnesses and
23 counsel had made arrangements to attend these depositions, Zuffa had to dedicate resources to
24 responding to Plaintiffs’ motion that same day. *Id.* ¶¶ 6-8.

1 Zuffa respectfully requests that a brief, one-week extension of time to file its reply be
2 granted because just cause and extraordinary circumstances exist because of the significant
3 number of depositions noticed in the final weeks of April and because Zuffa's counsel became
4 fully occupied responding to correspondence and motions practice concerning deposition
5 scheduling and discovery.
6

7
8 Dated: April 23, 2017

Respectfully Submitted,

9 BOIES SCHILLER FLEXNER LLP

10 By: /s/ Stacey K. Grigsby

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